

REMARKS

The following remarks are submitted to address the above amendments and issues raised in the Official Action mailed June 27, 2007. A Request for Extension of Time to extend the period for responding to this Office Action to December 27, 2007, is filed herewith. Upon entry of the foregoing amendments, claims 1- 42 are now pending in this application. Claims 13-18 stand withdrawn from consideration as being drawn to a non-elected invention. Claim 1-20, 22-27, 29-32, 34-37, and 39-42 stand rejected under either 35 USC § 102(b) or 35 USC § 103(a) as being anticipated/obvious over U.S. Patent No. 5,878,753 to Peterson et al. Claims 21, 28, 33, and 38 stand rejected under 35 USC § 103(a) as being unpatentable over Peterson et al.

No new matter has been added. Support for requested amendments can be found in the original claims and throughout the present specification and drawings. Applicant respectfully requests consideration of the application in light of the above amendments and the following remarks.

Claim 1-20, 22-27, 29-32, 34-37, and 39-42 - 35 U.S.C. 102(b) or 35 U.S.C. 103(a)

The rejections of claim 1-20, 22-27, 29-32, 34-37, and 39-42 under either 35 U.S.C. 102(b) or 35 U.S.C. 103(a) as being anticipated/obvious over Peterson et al. are respectfully traversed.

Claim 1 of the present invention claims “[a] wrapping material suitable for making a smoking article, the wrapping material comprising: a smoking article wrapping material substrate having a plurality of bands of layers of a coating formulation deposited in a pattern on the substrate, at least one of the coating layers applied by spraying, wherein each of the plurality of bands comprises (a) a first coating layer effective in reducing the inherent porosity of the substrate, and (b) a second coating layer *different from the first coating layer* overlying the first coating layer.” (Claim 1, emphasis added.)

Claim 6 of the present invention claims “[a] wrapping material suitable for making a smoking article, the wrapping material comprising: a smoking article wrapping material substrate having a plurality of bands of layers of a coating formulation deposited in a pattern on the substrate, at least one of the coating layers applied by ink jet coating, wherein each of the plurality of bands comprises (a) a first coating layer effective in reducing the inherent porosity of the substrate, and (b) a second coating layer *different from the first coating layer* overlying the first coating layer.” (Claim 6, emphasis added.)

Claim 11 of the present invention claims “[a] smoking article having reduced ignition propensity, the smoking article comprising a smokable material disposed in a wrapping material, the wrapping material comprising: a smoking article wrapping material substrate having a plurality of bands of layers of a coating formulation deposited in a pattern on the substrate, at least one of the coating layers applied by spraying, wherein each of the plurality of bands comprises (a) a first coating layer effective in reducing the inherent porosity of the substrate, and (b) a second coating layer *different from the first coating layer* overlying the first coating layer.” (Claim 11, emphasis added.)

Claim 12 of the present invention claims “[a] smoking article having reduced ignition propensity, the smoking article comprising a smokable material disposed in a wrapping material, the wrapping material comprising: a smoking article wrapping material substrate having a plurality of bands of layers of a coating formulation deposited in a pattern on the substrate, at least one of the coating layers applied by ink jet coating, wherein each of the plurality of bands comprises (a) a first coating layer effective in reducing the inherent porosity of the substrate, and (b) a second coating layer *different from the first coating layer* overlying the first coating layer.” (Claim 12, emphasis added.)

The Official Action states the following:

As for claim 1, Peterson teaches a wrapping material substrate [col. 1 lines 5-15]; a plurality of bands [figures 2-4]; and a pattern [figure 2].

The step, depositing layers of a coating formulation in a pattern on the substrate, is deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with depositing layers of a coating formulation in a pattern on the substrate in the specification. The method of application, spraying, is deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with spraying in the specification.

As for claim 2, the wrapping is adapted to be useful in a reduced ignition propensity cigarette.

As for claim 3, the cigarette has the transverse bands claimed [figure 2].

As for claim 4, the coatings are applied in predetermined amounts [col. 7 lines 20-45].

As for claim 5, The method of applying coating online is deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with applying coating on line.

As for claim 6, Peterson teaches a wrapping material substrate [col. 1 lines 5-15]; a plurality of bands [figures 2-4]; and a pattern [figure 2].

The step, depositing layers of a coating formulation in a pattern on the substrate, is deemed not to impart patentable non-obvious because no non-obvious structural characteristics are associated with depositing layers of a coating formulation in a pattern on the substrate in the specification. The method of application, applying by ink jet, is deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with applying by ink jet in the specification.

As for claim 7, the wrapping material of Peterson is adapted to be useful in manufacturing reduced ignition proclivity cigarettes.

As for claim 8, the pattern comprises transverse bands of coating with longitudinal widths spaced along the longitudinal length [figures 2-4].

As for claim 9, Peterson teaches applying in predetermined amounts [col. 7 lines 20-45].

As for claim 10, The method of applying coating online is deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with applying coating on line.

As for claim 11, Peterson teaches a wrapping material substrate [col. 1 lines 5-15]; a plurality of bands [figures 2-4]; and a pattern [figure 2]. Multiple layers on top of one another which reduce the porosity of the underlying paper [col. 2 line 55 to col. 3 line 15; col. 7 lines 20-45]

The step, depositing layers of a coating formulation in a pattern on the substrate, is deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with depositing layers of a coating formulation in a pattern on the substrate in the specification. The method of application, spraying, is deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with spraying in the specification.

As for claim 12, see citations in and reasoning from the treatment of claims 6 and 11.

As for claim 19, the bands are on an outside surface of the wrapping paper [figure 2].

As for claim 20, the performance characteristics of the cigarette are altered [col. 2 line 40 to col. 3 line 15].

As for claims 22-25, 29-30, 34-35, and 39-40, several descriptions of the formulation deposited in a pattern are claimed. These further descriptions of the step, depositing a coating formulation, are deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with the steps in the specification.

As for claims 26, 31, 36, and 41, Peterson teaches a solid coating on the substrate [figures 3 and 4]. If any non-obvious structural feature is associated with the depositing as claimed Applicant should point out that feature and why it is necessarily present in the claim.

As for claims 27, 32, 37, and 42, the step, of offline application, is deemed not to impart patentable non-obviousness because no non-obvious structural characteristics are associated with the step in the specification.

Peterson et al. discloses a smoking article wrapper having discrete areas of reduced permeability for improving ignition proclivity characteristics of a smoking article. The reduced permeability areas may be cross-directional bands surrounding the smoking article. The reduced permeability areas define a gradually decreasing permeability profile in a burning direction of the smoking article.

Nowhere does Peterson et al. disclose each of a plurality of bands comprising (a) a first coating layer effective in reducing the inherent porosity of the substrate, and (b) a second coating layer *different from the first coating layer* overlying the first coating layer, as in claims 1, 6, 11, and 12. Peterson et al. discloses that target permeability ranges are readily achieved by applying *the [permeability altering] solution* to the treated areas in multiple passes. (Peterson et al., col. 7, lines 28-34; see Examples 1-9.) However, Peterson et al. fails to disclose a second coating layer *different from the first coating layer* overlying the first coating layer, as in the present invention. In addition, nowhere does Peterson et al. disclose the coating formulation being essentially free of solvent as claimed in claim 24. Therefore, Applicant respectfully submits that Peterson et al. fails to disclose each and every element of claims 1, 6, 11, 12, and 24, and thus fails as a reference with respect to these claims.

Applicant respectfully submits that not only does Peterson et al. not teach or suggest each and every element of the present invention, Peterson et al. provides no suggestion or motivation to modify the products as taught by Peterson et al. to provide the products of the present invention. Consequently, claims 1, 6, 11, and 12 are not obvious in view of Peterson et al.

Claims 2-5, 7-10, 13-20, 22-27, 29-32, 34-37, and 39-42 depend from claims 1, 6, 11, or 12, and are likewise neither anticipated by nor obvious over Peterson et al.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 1-20, 22-27, 29-32, 34-37, and 39-42 under either 35 U.S.C. 102(b) or 35 U.S.C. 103(a).

Claims 21, 28, 33, and 38 - 35 U.S.C. 103(a)

The rejections of claims 21, 28, 33, and 38 under 35 U.S.C. 103(a) as being unpatentable over Peterson et al are respectfully traversed.

The Official Action states the following:

As for claims 21, 28, 33, and 38, at the time of the invention, it would have been obvious to a person having ordinary skill in the art of cigarette paper manufacture to use burn control agents in the invention of Peterson because Peterson teaches burn control agents being used in association with reduced porosity bands [col. 2 lines 5-15].

In the event any differences can be shown for the product of the product-by-process claim(s) 1-12 and 19-32, as opposed to the product taught by the reference Peterson, such differences would have been obvious to one of ordinary skill in the art as a routine modification of the product in the absence of showing of unexpected results.

As described herein, Peterson et al. fails as a reference with respect to claims 1, 6, 11, and 12. As a result, these independent claims are not obvious over Peterson et al. Claims 21, 28, 33, and 38 depend from one of claims 1, 6, 11, or 12. Likewise, claims 21, 28, 33, and 33 are not obvious over Peterson et al.

For all of these reasons, the Office is respectfully requested to withdraw the rejections of claims 21, 28, 33, and 33 under 35 USC § 103(a).

CONCLUSION

Applicant submits that a full and complete response has been made herein to the Official Action and, as such, all pending claims in this application are now in condition for allowance.

Therefore, Applicant respectfully requests early consideration of the present application, entry of all amendments herein requested, withdrawal of all rejections and objections, and allowance of all pending claims.

The Office is respectfully invited to contact J. Michael Boggs at (704) 338-5141, to discuss any matter relating to this application.

Respectfully submitted,

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Date

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